

# DNR

## SEPTEMBER 11, 2019 PROPOSED REGULATIONS

### Glacier Winner Creek Special Use Area

#### QUESTIONS AND ANSWERS

As of October 8, 2019

**Question:** With regard to questions asked of by email to this address, when will questions and answers be published? Will the published questions and answers include details of who asked the question?

**Answer:** DNR's intent is to answer questions submitted through the [dnr.permitting.regulation@alaska.gov](mailto:dnr.permitting.regulation@alaska.gov) email address as quickly as possible, and if possible within a day or two of the date of the question posed. DNR is more interested in the issues and topics raised in the questions than in identity of the individual posing the question. DNR's preference is to not identify the individual who asked the question in the answers to the questions.

**Question:** When will these proposed regulations be adopted or rejected?

**Answer:** As stated in the public notice, "after the public comment period ends, the Department of Natural Resources will either adopt this or other provisions dealing with the same subject, without further notice, or decide to take no action on it." The language of the final regulation may be different from that of the proposed regulation. There is no set timetable on when this decision occurs.

**Question:** Why cannot the state simply put out an RFP for the 5 year lease? Award the lease to the highest bidder. This would be better for the state as perhaps we could get fair market value for our resource. Is this not allowed for some reason?

**Answer:** Through the guidance of the Turnagain Arm Management Plan (TAMP) and the existing regulations, traditionally the use of the area has been authorized via land use permit. DNR did consider the possibility of switching to short term land leases issued under AS 38.05.070-075. However, DNR decided not to pursue this

approach because the ultimate costs a lessee would be exorbitant. A lease application fee for this area alone would be \$2,000, with annual land use fees either at the appraised fair market rental value of the land under lease, or one or more of the other compensation methods provided under AS 38.05.073. While these fees would certainly be profitable to the state, they would most likely be significantly higher than the existing permit fees and cost prohibitive to the single commercial recreation operator authorized to operate in the area. Further, DNR would still be faced with issue of how to allocate the single land lease. Ultimately, DNR decided to propose removal of the one permit requirement, which would allow the department to manage the area as it would general state land and authorize multiple users. This approach is intended to allow for maximum use of the area, consistent with the public interest, and will maintain the safety plan requirements addressed in the TAMP.

**Question:** If the proposed regulations are adopted, when will DNR be able to consider applications for Snowcat operations?

**Answer:** If the proposed regulations are adopted as written, DNR will be able to consider land use permits for Off-Road vehicles in excess of 1,500 lbs as soon as the regulations go into effect. That will occur 30 days after any regulations are filed by the Lt. Governor's office. As stated above, there is no set timetable on when this decision occurs.

**Question:** If one intent of the proposed regs is to eliminate the permit requirement for heli-skiing, why is heli-skiing not mentioned in the proposed regs?

**Answer:** While the Turnagain Arm Management Plan (TAMP) contemplated restricting both snowcat and heli-skiing within the Glacier Winner Creek Special Use Area (G/WCSUA), the regulations adopted in 2002, only restricted snowcat operations to one permit. The existing regulation does not actually impose the same limit on heli-skiing operations. However, historically, the common perception within the industry and the community was that both snowcat and heli-skiing operations were limited to one permit. Also, the applicant for the snowcat permit routinely included a request for heli-skiing activities. No other applicants ever requested authorizations to conduct only heli-skiing activities within the G/WCSUA. DNR has thus, for 20 years, issued a permit for snowcat and heli-skiing activities within the G/WCSUA.

As discussed in the Dear Alaskan Letter, in May of 2019, DNR issued a proposed set of regulations that proposed the same restriction on heli-skiing activities within the G/WCSUA, consistent with TAMP guidelines. After review of the comments received, DNR decided to revise its proposed regulations for the G/WCSUA, to eliminate the one permit restriction regarding snowcat operations and eliminate consideration of limiting permits for Heli-skiing at all.

The current proposed regulations effect this change, and the Dear Alaskan Letter discusses the specific purpose of the proposed regulation: “DNR is proposing to revise the regulation for the G/WCSUA under 11 AAC 96.014 to eliminate the restriction to only one land use permit for commercial snowcat operation.” The Dear Alaskan Letter also discusses effect of the proposed regulations on heli-skiing permitting within the G/WCSUA: “The effect of this revision would be that commercial snowcat under 1,500lbs or heli-skiing operations within the G/WCSUA will no longer require a permit, but only commercial recreation registration under 11 AAC 96.018.”

**Question:** Are all comments available on line?

**Answer:** No, Comments received during the public comment period are not made available on line.